



उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

33

मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश									
<u>SB :HON'BLE SHRI DHIRENDRA MISHRA, J.</u> <u>CR.M.P. NO.260 OF 2007</u> <table><tr><td><u>APPLICANT</u></td><td></td><td>Smt. Phool Bai W/o Shri Late Kosle, aged 40 years, caste Satnami, R/o Village Ameri, P.S. Chakabhata, District Bilaspur (C.G.)</td></tr><tr><td></td><td><u>Vs</u></td><td></td></tr><tr><td><u>NON-APPLICANTS</u></td><td></td><td>1. R. Chakrawarti, S/o late B.L. Chakrawarti, aged 60 years, Retire Estate Manager, Q. No.C-45, C.M.P.D.I Colony, Bilaspur (C.G.) 2. V. Balraj, S/o late P. Velanuthem, aged 44 years, Superintendent Geologist, C.M.P.D.I Colony, Bilaspur (C.G.) 3. Uttam Kumar Mukherji, S/o late A.N. Mukherji, aged 43 years, Finance Manager, C.M.P.D.I Colony, Bilaspur (C.G.) 4. State of Chhattisgarh, through P.S. Chakarbhata, District Bilaspur (C.G.)</td></tr></table>			<u>APPLICANT</u>		Smt. Phool Bai W/o Shri Late Kosle, aged 40 years, caste Satnami, R/o Village Ameri, P.S. Chakabhata, District Bilaspur (C.G.)		<u>Vs</u>		<u>NON-APPLICANTS</u>		1. R. Chakrawarti, S/o late B.L. Chakrawarti, aged 60 years, Retire Estate Manager, Q. No.C-45, C.M.P.D.I Colony, Bilaspur (C.G.) 2. V. Balraj, S/o late P. Velanuthem, aged 44 years, Superintendent Geologist, C.M.P.D.I Colony, Bilaspur (C.G.) 3. Uttam Kumar Mukherji, S/o late A.N. Mukherji, aged 43 years, Finance Manager, C.M.P.D.I Colony, Bilaspur (C.G.) 4. State of Chhattisgarh, through P.S. Chakarbhata, District Bilaspur (C.G.)
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	<u>08.08.2007</u> Shri A.P. Sharma, counsel for the applicant. Shri G.K. Beriwal, Dy. A. G. for the State/non- applicant No.4.										

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आदेश पत्रक (पूर्वानुबद्ध)

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	By this petition under Section 482 of the Cr.P.C. the applicant/complainant has impugned the order dated 7th March 2006 passed in criminal revision No. 56/2006 whereby learned Special Judge, Atrocities and Additional Sessions Judge, Bilaspur allowing the revision preferred by the non-applicants No. 1 to 3, has set aside the order dated 10.1.2006 passed by learned Judicial Magistrate First Class, Bilaspur in criminal case No. 38/06 by which offence under Sections 294, 506B, 452 of the IPC and 3(2)(11) of the Scheduled Casts & Scheduled Tribe (Prevention of Atrocities) Act, 1989 was registered. Learned Special Court considering the fact that the earlier complaint of the present applicant on the ground of same alleged incident filed before the JMFC, Bilaspur has been dismissed with a finding that a false and untrue complaint has been filed by the complainant, allowed the revision of the non-applicants No. 1 to 3 by the impugned order dated 7th March 2006. The argument of learned counsel for the applicant is that the first complaint was not dismissed on merits but the same was dismissed on the basis of report called for by the learned Magistrate from the concerned police	

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	station and there was no adjudication of the matter on merits. Submission of learned counsel for the applicant cannot be accepted because from perusal of paragraph 11 of the impugned order it is evident that the said complaint was dismissed by the learned JMFC recording a finding that it was filed on false and imaginary grounds. In the result, the instant revision petition being devoid of substance is liable to be dismissed at the admission stage itself and is accordingly, dismissed.	Sd/- DHIRENDRA MISHRA Judge